

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAWN SEEVER, DEBORAH SEEVER, VERONICA RODRIGUEZ, and PEGGY ROWLAND, on behalf of themselves and all other Employees similarly situated,

Plaintiffs,

DECISION AND ORDER

02-CV-6580L(P)

v.

CARROLLS CORPORATION,

Defendant.

By notice of motion (Dkt. #90), Lynda Seever, moves to be substituted as a party plaintiff in this action pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure. The motion is granted.

Deborah Seever commenced this action on or about November 12, 2002 as one of the named party plaintiffs. Deborah Seever died on April 15, 2004 and is survived by her mother, Lynda Seever, the moving party and is the primary distributee of Deborah Seever.

I believe the claims of Deborah Seever survive her death and that her distributee, Lynda Seever, is a proper person to be substituted in place of Deborah Seever.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
September 8, 2005.

